

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD
COMPANY, a Delaware Corporation,

Plaintiff,

vs.

STEAMSCENES U.K., a Corporation,
and M. TYACK, an Individual,

Defendants.

CIVIL ACTION NO. 8:05CV168

(PROPOSED) JUDGMENT BY CONSENT

The parties have agreed to a settlement of the matters in issue between them, and to the entry of this Judgment and Decree.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

This Court has jurisdiction over the plaintiff, Union Pacific Railroad Company, a Delaware Corporation, and over the defendant, Michael Tyack, an individual, residing at Paxton Villa, Bakers Hill, Coleford, Gloucestershire, GL16 7QB, United Kingdom, and over the subject matter in issue.

United States Trademark Registration No. 533,221 for the trademark UNION PACIFIC RAILROAD, United States Trademark Registration No. 2,666,974 for the trademark UNION PACIFIC and Design, and United States Trademark Registration No. 1,230,375 for the trademark UNION PACIFIC and Design are each good and valid in law.

Plaintiff is the owner of each of the aforesaid Trademark Registrations and of all rights thereto and thereunder, including the goodwill associated therewith.

Defendant admits he has infringed, although not knowingly or willfully, each of the aforementioned Trademarks as alleged in the Complaint.

Defendant, and any of Defendant's agents, servants, employees, independent contractors and all persons in active concert or participation with the Defendant, are hereby permanently enjoined against infringing or contributing to the infringement of said Trademarks.

Plaintiff will suffer irreparable harm to which monetary damages may be insufficient to fully or adequately compensate Union Pacific, in the event that Defendant or any of Defendant's agents, servants, employees, independent contractors and all persons in active concert or participation with the Defendant, use said Trademarks for any reason.

Plaintiff shall be entitled damages from Defendant, including but not limited to liquidated damages in the amount of Five Hundred Dollars (\$500.00) for each and every use of said Trademarks, alone or in combination with one another, by Defendant or any of Defendant's agents, servants, employees, independent contractors and all persons in active concert or participation with the Defendant, after entry of this Judgment.

Defendant shall deliver up and destroy all literature, advertising and products bearing the infringing designations within thirty (30) days from the date this Judgment is executed.

Entered this _____ day of _____, 2005.

UNITED STATES DISTRICT JUDGE

APPROVED ON BEHALF OF
PLAINTIFF:

/s/ Shane M. Niebergall
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Attorneys for Plaintiff

Date: 6/30/05

APPROVED ON BEHALF OF
DEFENDANT:

/s/ James A. Mullen
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Attorneys for Defendant

Date: 6/30/2005